



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 140

2 AMENDMENT NO. _____. Amend Senate Bill 140 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Interventional Surgical Pain Procedures for Chronic Pain Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Chronic pain" means a pain state that is subacute,
8 persistent, and intractable. This does not include procedures
9 for post-surgical pain, labor pain, pain related to child
10 birth, or treatment of pain seen in the emergency room setting.

11 "Department" means the Department of Financial and
12 Professional Regulation.

13 "Interventional surgical pain procedures" means diagnostic
14 or therapeutic techniques to treat chronic pain. These
15 procedures are surgical and may require the use of imaging
16 guidance and involve any of the following for the treatment of

1 chronic pain only:

2 (1) The cranial nerves and their branches (such as
3 occipital, supra-orbital, and temporal), including
4 destruction by chemical or other modalities.

5 (2) The facets joints of the cervical, thoracic, lumbar
6 region and surrounding nerve branches, including
7 destruction, ablation, or denervation, aspiration of cysts
8 of small and large joints, and injection of contrast
9 material with the use of image guidance.

10 (3) Cervical, thoracic, or lumbar sympathetic
11 ganglion, visceral plexuses, or nerve blocks.

12 (4) Epidural injections in the cervical, thoracic,
13 lumbar, caudal, either both interlaminar and
14 transforaminal, with and without the use of image guidance.

15 (5) Intrathecal surgical placement of percutaneous or
16 tunneled intrathecal catheters or pumps and subcutaneous
17 port placement not including procedures to refill these
18 pumps.

19 (6) Injections into sacroiliac joint with and without
20 the use of image guidance. This excludes injections into
21 muscle and trigger point injections.

22 (7) Provocative or analgesic discography, intradiscal
23 electrothermal therapy, or other intradiscal procedures in
24 which drugs, gases, biologic materials, or prosthesis are
25 placed or injected into the intervertebral disc.

26 (8) Injection, destruction, or ablation of peripheral

1 nerves including intercostals and radiofrequency ablation
2 or chemical destruction of any nerve or nerve groups or
3 nerve plexus.

4 (9) Spinal cord or peripheral nerve stimulator
5 placement.

6 (10) Spinal augmentation procedures such as
7 vertebroplasty, kyphoplasty, sacroplasty, or other bone
8 augmentation procedures.

9 Section 10. Prohibited practices and penalties. A person
10 shall not practice or offer to practice interventional surgical
11 pain procedures for pain medicine in this State unless the
12 person is a physician licensed to practice medicine in all its
13 branches. A physician may be assisted in these procedures by a
14 physician licensed to practice medicine in all its branches,
15 advanced practice registered nurse, physician assistant,
16 registered nurse, surgical assistant, or surgical technician.
17 Interventional surgical pain procedures as stated in this Act
18 may not be delegated. Any person who violates this Section
19 commits a Class A misdemeanor and is subject to the injunction,
20 punishment, and enforcement provisions set forth in Section 3.5
21 of the Medical Practice Act of 1987.

22 Section 15. Rulemaking authority. The Department may adopt
23 rules, in consultation with the Medical Licensing Board, as
24 necessary to implement this Act.

1 Section 20. Applicability. This Act does not prevent the
2 following:

3 (1) The performance of non-interventional pain
4 procedures by a licensed advanced practice nurse, licensed
5 physician assistant, licensed acupuncturist, licensed
6 podiatrist, licensed hospice and palliative care provider,
7 or licensed physical therapist in accordance with the law.

8 (2) The performance of nonsurgical pain care and
9 treatment authorized by the statutory scope of practice for
10 other licensed health care workers or delegated by a
11 physician licensed under the Medical Practice Act of 1987.

12 (3) Nothing in this Act shall be construed to prohibit
13 a licensed chiropractic physician from utilizing
14 procedures within the scope of practice of a chiropractic
15 physician, as defined in the Medical Practice Act of 1987.

16 Section 99. Effective date. This Act takes effect July 1,
17 2011."